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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,470	12/30/2003	Richard Boudinot	026032-4592	7062
26371	7590	04/07/2006	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			NELSON JR, MILTON	
		ART UNIT	PAPER NUMBER	
		3636		

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/748,470	BOUDINOT, RICHARD
	Examiner Milton Nelson, Jr.	Art Unit 3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
  - 4a) Of the above claim(s) 18-20,29-31 and 51 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3, 6, 8-14, 16-17, 21-23, 25-28, 32-50, 52-61 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Germany. It is noted, however, that applicant has not filed a certified copies of the priority applications as required by 35 U.S.C. 119(b).

### ***Specification***

The objection to the abstract of the disclosure has been overcome by Applicant's amendment.

The objection to the specification has been overcome by Applicant's amendment.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 6, 8-14, 16, 17, 21-23, 25-28, 32-50 and 52-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout the claims, the phrase "may be" has been used and followed by a functional recitation. Applicant however fails to provide sufficient structure to support

such phrases. The use of the phrase "may be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Also, since sufficient structure is lacking to support the functional recitations, it is unclear how such function can be achieved. Examples are as follows:

In claim 1, "it may be pivoted opposite to the forward direction of travel against action of a spring member";

In claim 9, "it may be pivoted with respect to the seat", and "it may be pivoted in the forward direction of travel against action of a damper member";

In claim 14, "it may be pivoted with respect to the seat"; and "it may be pivoted in the forward direction of travel";

In claim 41, "the display may be pivoted in the forward direction of travel"; and

In claim 44, "the display may be pivoted in the forward direction of travel".

Note similar instances of such language throughout the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 6, 8, 10-13, 16-17, 21-23, 25-27, 53 and 54, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated

by Kanda (5316369). Note the display (4), clockwise and counter-clockwise pivoting with respect to the seat (about member 6), pivoting opposite to the forward direction (note that after 4 leaves the use position in Figure 2, it travels in the rearward direction after the first 90 degrees of rotation; the first 90 degrees of rotation is in the forward direction); pivoting opposite to the forward direction of travel against action of a spring member (note that from the use position , after the first 90 degrees of rotation, the second 90 degrees of rotation is rearward against the action of spring member 29); , pivoting in the forward direction of travel (from the stored position, the first 90 degrees of rotation is forward; from the use position, the first 90 degrees of rotation of forward); pivoting in the forward direction against action of a spring member (from the use position, the first 90 degrees of rotation is forward, which is against the action of spring member 29); pivoting in the forward direction against action of a damper member (from the use position; the first 90 degrees of rotation is forward against any of the friction mechanisms described in column 4 and shown in Figures 8-14); pivoting opposite to the forward direction (from the use position, the second 90 degrees of rotation is rearward; from the stored position, the second 90 degrees of rotation is rearward); pivoting opposite to the forward direction against action of a spring member (from the use position, the second 90 degrees of rotation is rearward against the action of spring member 29) and pivoting in the forward direction of travel against action of a spring member (from the use position, the first 90 degrees of rotation is forward against action of the spring member 29); pivoting opposite to the forward direction against action of a spring member (from the use position , the second 90 degrees of rotation is rearward

against the action of spring member 29) and pivoting in the forward direction of travel against action of a damper member (from the use position, the first 90 degrees of rotation is forward against the action of the damper 28); pivoting in the forward direction of travel by generating a first torque (from the stored position, the first 90 degrees is forward and the first torque is provided by the spring member 29), and pivoting further in the forward direction by generating a second torque of greater force than the first torque (from the use position, the first 90 degrees of rotation is forward and the second torque is of greater force than the first force to overcome the action of spring member 29). Also note that the first torque is "about" an amount of force equal to acceleration forces produced by "a" rear collision. Additionally note the multipart frame (10, 6, as shown in Figure 4), first side (screen) and second side (backing wall).

Claims 41-43 and 58-61, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (5316369). Note the description of Kanda, above. Additionally note the braking mechanism (15), and adapter (6).

Claims 44, 46-48 and 50, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (5316369). Note the description of Kanda, above. Additionally note the braking mechanism (15), and adapter (6).

Claims 9 and 55-57, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (5316369). Note the description of Kanda, above.

Claim 14, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (5316369). Note the description of Kanda, above.

Claims 28 and 32-40, are rejected under 35 U.S.C. 102(b) as being anticipated by Shafer (1178107). Note the display (4) that moves in both a clockwise and counterclockwise direction (see lines 95-102 on page 2) or forwardly and rearwardly depending on the movement and orientation of the backrest. Also note the capability of torque to provide slight pivoting and application of torque that allows pivoting of 90 degrees. Note that rotation of the display provides the capacity for it to face in either direction (note Figures 2 and 4). Also note the multipart frame (1, 2, 3). It can be seen that one side of the display provides visibility of the display, while the opposite side provides protection of the display. Also note the axis (3) extending in a transverse direction of the seat, and a means (6) for generating first and second torque, wherein 6 has the capability of producing the second torque with greater force than the first torque. The capacity exists for the first torque to cause travel to a certain point, wherein the second torque can cause travel beyond the certain point. Additionally note the braking mechanism (12).

Claims 41-43, 45-50, and 58-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Shafer (1178107). Note the description of Shafer, above.

Claim 44, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 102(b) as being anticipated by Shafer (1178107). Note the description of Shafer, above.

Claims 41-43, 46, 48-50 and 58-61, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Sakurai (5529265). Note the display (10), spring member (8), damper member (7, 12), multipart frame (see Figure 1), and first and second sides (see Figure 1). Sakurai has the capacity for generating first and second torque, wherein the second torque has a greater force than the first torque. The capacity exists for the first torque to cause travel to a certain point, wherein the second torque can cause travel beyond the certain point.

Claim 44, as best understood with the above cited indefiniteness, is rejected under 35 U.S.C. 102(b) as being anticipated by Sakurai (5529265). Note the description of Sakurai, above.

***Response to Amendment/Arguments***

Applicant's response has been fully considered. Remaining issues are described in the above sections. Reconsideration of the claims and prior art has necessitated a new grounds of rejection. The claims are indefinite as indicated above. Regarding claim 28, Applicant argues that Shafer fails to show an integrated display screen device which can be a TV receiver, a video device, or a computer. This argument is significantly more limiting than the actual claim language. Claim 28 requires a display. Shafer explicitly refers to his device as a display (e.g. note the title). Regarding claim 3, Applicant argues that neither Sakuri or Kanda show a spring member applying a return torque in the forward direction of travel. Applicant does not appear to positively claim a spring member in claim 3. Note the recitation "may be". As indicated above, it is not clear from the language of claim 3 whether Applicant intends to positively claim a spring member. In the present form of the claim, it appears that Applicant is setting forth a functional recitation that is unsupported by sufficient structure to realize the function. The prior art is capable of performing the function based on its showing all claimed structural features of claim 41. Regarding claim 41, Applicant argues that Sakuri, Kanda, and Shafer fail to show a display that "may be" pivoted in the forward direction of travel by generating a first torque and may be pivoted farther in the forward direction of travel by generating a second torque of greater force than the first torque. Applicant again fails to provide sufficient structure to support this functional recitation. The prior art is capable of performing the function based on its showing all claimed structural features of claim 41.

***Conclusion***

This Office action has not been made final since it includes a new grounds of rejection not necessitated by Applicant's amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Monday-Wednesday, and alternate Fridays, 5:30-3:00.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

mn  
April 3, 2006